

**DETERMINATION AND FINDINGS
FOR A SOLE SOURCE EXTENSION
OF AN EXISTING CONTRACT**

CONTRACT NO: DCKA-2014-C-0067

CAPTION: Asset Management of the District Street Lighting System

PROPOSED CONTRACTOR: M.C. Dean, Inc.

PROGRAM AGENCY: District Department of Transportation (DDOT)

AUTHORITY

D.C. Official Code § 2-354.04, 27 DCMR 1304, 1700 and 1701

FINDINGS

1. MINIMUM NEED:

The Government of the District of Columbia, Department of Transportation has an immediate need to continue obtaining streetlight asset management services, including the maintenance, rehabilitation and preservation of approximately 70,000 streetlights and related assets throughout the District. The period of performance shall be from November 1, 2015 through January 31, 2016.

2. ESTIMATED FAIR AND REASONABLE PRICE:

\$ 934,892.13 based on the annualized price of the existing contract, awarded in 2014.

3. FACTS JUSTIFYING EXTENSION OF THE CURRENT CONTRACT ON A SOLE SOURCE BASIS:

(a) The current contract was awarded for 120 days plus four option periods of 60 days each. As the result of a competitive solicitation, the current contract was awarded as a stopgap measure after the District was required to terminate for convenience its existing contract with Citelum DC, LLC for streetlight asset management services, including LED upgrades. That contract had been awarded on December 6, 2013 as the result of solicitation DCKA-2011-R-0150 and was terminated on July 18, 2014. *See* June 2, 2014 Order issued by the District of Columbia Contract Appeals Board in *Protest of M.C. Dean, Inc.*, P-0955.

(b) As part of that same Order, the District was required to solicit and evaluate revised proposals from Citelum and M.C. Dean pursuant to the requirements set forth in the Order. The current stopgap contract was awarded to permit the District to obtain streetlight asset management services until that procurement process was concluded.

(c) On April 8, 2015, after a review of the operational capacity, funding mechanisms and business goals of the streetlights program, the District cancelled the solicitation. *See* Determination and Findings for Cancellation of a Request for Proposals, DCKA-2011-R-0150, filed with the Board.

(d) Following the cancellation, the District began drafting a new solicitation focusing only on asset management of the streetlight system, with a plan to solicit separately for a contractor to perform LED upgrades.

(e) To permit sufficient time to finalize the technical and procurement terms and conditions of the new solicitation and obtain prior approval from the U.S. Department of Transportation, Federal Highway Administration (FHWA), which provides a substantial portion of the funding for these services, the District extended the existing contract on a sole-source basis from July 11, 2015 through September 30, 2015. *See* Determination and Findings for a Sole Source Extension of an Existing Contract, approved on July 9, 2015.

(d) The District issued a competitive solicitation to the open market on July 29, 2015, with a closing date of August 27, 2015. The solicitation specified that a new contractor would be provided a 30-day operational mobilization period after contract award prior to the commencement of streetlight asset management services under the contract.

(e) The District received many contracting and technical questions from prospective bidders and due in part to the volume and complexity of these questions, the original closing date was extended through several Amendments to permit prospective bidders sufficient time after all questions have been answered to prepare and submit a responsive bid that meets the technical and budgetary needs of the District. The solicitation closed on September 22, 2015 and five bids were received.

(f) The District extended the contract through October 31, 2015 to maintain existing streetlight asset management services until the procurement process could be completed, including the identification of the apparent low bidder, completion of a responsibility determination, the receipt of appropriate bonding from the presumptive awardee, the receipt of award approval from FHWA, the signing of the new contract by both parties, and if the award is to a new contractor, the commencement of a 30-day mobilization period. *See* Determination and Findings for a Sole Source Extension of an Existing Contract, approved on September 28, 2015.

(g) The District will need more time to complete the post-award steps described above, and so needs to extend the existing contract through January 31, 2016 to ensure that streetlight asset management services are provided until services commence under the new contract. No other contractor can provide these services beyond the current expiration date of October 31, 2015 without a separate procurement process and the same

30-day mobilization period that would be provided to a new contractor as the result of the solicitation.

(g) A market survey was not conducted, given the circumstances described above.

CERTIFICATION BY AGENCY HEAD

I hereby certify that the above findings are correct and complete to the best of my knowledge and belief.

Date

Leif A. Dormsjo
Director

CERTIFICATION BY CONTRACTING OFFICER

I have reviewed the above findings and certify that they are sufficient to justify the use of the sole source method of procurement under the cited authority. I certify that a notice of intent to award a sole source contract was published in accordance with 27 DCMR § 1304 and that no response was received. I recommend that the Chief Procurement Officer approve the use of the sole source procurement method for this proposed contract.

Date

Steven H. Wishod
Contracting Officer

DETERMINATION

Based on the above findings and in accordance with the cited authority, I hereby determine that it is not feasible or practical to invoke the competitive solicitation process under either Section 402 or 403 of the District of Columbia Procurement Practices Reform Act of 2010 (D.C. Law 18-371; D.C. Official Code §§ 2-354.02 or 2-354.03). Accordingly, I determine that the District is justified in using the sole source method of procurement.

Date

George A. Schutter
Chief Procurement Officer